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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,467	01/27/2004	Tetsuro Motoyama	245417US-2	1147
22850 7590 05/05/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CLOUD, JOIYA M	
			ART UNIT	PAPER NUMBER
			2144	
			NOTIFICATION DATE	DELIVERY MODE
			05/05/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/764,467	Applicant(s) MOTOYAMA ET AL.	
	Examiner Joiya M. Cloud	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/24/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed on 02/14/2008. Claims 1-16 are pending. Applicant's arguments have been considered, but are moot in view of new ground(s) of rejection, necessitated by Applicant's substantial amendment (i.e. "an information" and "through a second protocol").

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-16** are rejected under 35 U.S.C. 102(b) as being anticipated by Ramberg (**US Publication No. 20030014505 A1, hereinafter Ramberg**).

As per claim 1, Ramberg teaches a method of determining which types of status information to extract from a monitored device communicatively coupled to a network, comprising: selecting a communication protocol among a plurality of communication protocols used to extract status information from the device (**Fig. 3, paragraphs [0046],[0047], [0052] [0049], and [0035], where the protocol selected is SNMP**); retrieving, from a first memory, a protocol object associated with the selected communication protocol, wherein the protocol object

includes at least a type of status information, a weight of the status information, and information for extracting the type of status information from the device using the selected communication protocol (**Figure 3, paragraphs [0038], [0046], [0047], [0049], and [0052]**); determining if the type of status information is present in a second memory, wherein the second memory comprises status information previously extracted from the device (**paragraphs [0038]-[0039]**); if the determining step determines that the type of status information is present in the second memory, checking whether the weight of the status information stored in the protocol object is greater than a corresponding weight associated with the status information of the same type stored in the second memory; if (1) the determining step determines that the type of status information is not present in the second memory (**paragraph [0038]-[0039]**), or (2) if the determining step determines that the type of status information is present in the second memory, but the checking step determines that the weight of the status information is greater than the corresponding weight associated with the status information of the same type stored in the second memory (**paragraphs [0038]-[0039]**), accessing the device using the selected communication protocol and the information for extracting the device contained in the protocol object to obtain the status information (**paragraphs [0038], [0046], [0047], [0049], and [0052]**).

As per claim 2, Ramberg teaches a method further comprising repeating the determining, checking, and accessing steps for each type of status information contained in the protocol object (**paragraphs [0038], [0046], [0047], [0049], and [0052]**).

As per claim 3, Ramberg teaches a method further comprising repeating the selecting, retrieving, determining, checking, and accessing steps for each protocol of the plurality of communication protocols (**paragraphs [0038], [0046], [0047], [0049], and [0052]**).

As per claim 4, Ramberg teaches a method wherein the determining step comprises: determining if the type of status information is present in a status information map in the second memory, the status information map having at least one entry, wherein each entry includes a status information type, a status information value, and a status information weight (**paragraphs [0038], [0046], [0047], [0049], and [0052]**).

As per claim 5, Ramberg teaches a method wherein the selecting step comprises: selecting a communication protocol among SNMP, HTTP, and FTP (**paragraphs [0038], [0046], [0047], [0049], and [0052]**).

As per claim 6, Ramberg teaches a method wherein the weight of the status information indicates a relative informative value of the status information with respect to status information of a same type extracted using another of the plurality of communication protocols (**paragraphs [0038], [0046], [0047], [0049], and [0052]**).

As per claim 7, claim 7 is substantially the same as claim 1, but in system form rather than method form. Therefore, the rejection for claim 1 applies equally as well to claim 7.

As per claims 8-10, claims 8-10 are substantially the same as claim 4-6, but in system form rather than method form. Therefore, the rejection for claim 4-6 applies equally as well to claim 8-10.

As per claims 11-16, claims 11-16 are substantially the same as claim 1-6, but in computer program product form rather than method form. Therefore, the rejection for claim 1-6 applies equally as well to claim 11-16.

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922.

Information regarding the status of an application may be obtained from the Patent

Art Unit: 2144

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMC

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144

April 27, 2008